

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE**

D’Pergo Custom Guitars, Inc.

Plaintiff,

v.

Sweetwater Sound, Inc.,

Defendant.

Civil Action No. 1:17-CV-000747-LM

ASSENTED-TO MOTION TO SCHEDULE TRIAL DATE

Plaintiff D’Pergo Custom Guitars, Inc. (“D’Pergo”), with the assent of Defendant Sweetwater Sound, Inc. (“Sweetwater”), (collectively the “Parties”), hereby moves the Court to schedule trial for this matter during the Court’s September 2021 trial period (i.e., the two-week period beginning September 21, 2021).

D’Pergo respectfully requests a trial date in September 2021 in order to minimize uncertainty regarding the trial date, particularly with regard to the ability of the Parties and the Court to conduct an in-person jury trial, notwithstanding the COVID-19 pandemic. As the Court knows, the Parties are eager to conduct an in-person jury trial of this matter. Recent news reports have given the Parties reason to be optimistic that vaccines for COVID-19 will be widely available by early summer. A trial date in September 2021 should give the likely attendees (including counsel and witnesses traveling from foreign jurisdictions) time to get fully vaccinated, should they choose to do so.

The proposed September 2021 trial date also gives the Parties time to explore alternative dispute resolution options and potentially resolve this matter before trial.

The Parties have not included a completed Civil Form 3 because there is currently no trial date calendared.

This request is not brought to delay the proceedings or in bad faith.

WHEREFORE, Plaintiff D’Pergo Custom Guitars, Inc. respectfully requests that this Honorable Court:

A. Schedule trial to begin during the Court’s September 2021 trial period.

CERTIFICATION UNDER 7.1(c)

The undersigned counsel certifies that counsel for the Parties conferred on March 9, 2021 and counsel for the Defendant assents to this request.

DATED: March 10, 2021

By: /s/ Robert E. Allen
Robert E. Allen

By: /s/ R. James Steiner
R. James Steiner

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Counsel for D'Pergo Custom Guitars, Inc.

CERTIFICATION UNDER 7.2

The undersigned counsel certifies that both the plaintiff and the defendant have been duly notified of the request to schedule a trial date and the basis therefor and have assented to the same.

DATED: March 10, 2021

/s/ Robert E. Allen

CERTIFICATE OF SERVICE

I hereby certify that this document was served upon the Defendant's counsel on March 10, 2021 through ECF.

/s/ Robert E. Allen